

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

**FORRESTER ENVIRONMENTAL )  
SERVICES, INC. and )  
KEITH E. FORRESTER, )  
                          )  
Plaintiffs,             )  
                          )  
v.                      )       **Civil Action No. 1:10-cv-00154-JL**  
                          )  
**WHEELABRATOR TECHNOLOGIES, )  
INC.                    )**  
                          )  
**Defendant.            )****

**PLAINTIFFS' ANSWER TO FIRST COUNTERCLAIM OF DEFENDANT**

Plaintiffs Forrester Environmental Services, Inc. and Keith E. Forrester (collectively, "Plaintiffs") hereby answer the Counterclaim of Defendant Wheelabrator Technologies, Inc., as follows:

85. Plaintiffs deny the allegations of paragraph 85.
86. Plaintiffs deny the allegations of paragraph 86.
87. Plaintiffs deny the allegations of paragraph 87.
88. Plaintiffs deny the allegations of paragraph 88.
89. Plaintiffs deny the allegations of paragraph 89.
90. Plaintiffs deny the allegations of paragraph 90.
91. Plaintiffs deny the allegations of paragraph 91.
92. Plaintiffs deny the allegations of paragraph 92.
93. Plaintiffs deny the allegations of paragraph 93.
94. Plaintiffs deny the allegations of paragraph 94.

**As and for a first counterclaim**

95. Plaintiffs repeat and incorporate by reference their responses to paragraphs 85 - 94.
96. Plaintiffs deny the allegations of paragraph 96.
97. Plaintiffs deny the allegations of paragraph 97.
98. Plaintiffs deny the allegations of paragraph 98.

**First Affirmative Defense**

The First Counterclaim fails to state a claim upon which relief may be granted.

**Second Affirmative Defense**

The First Counterclaim is barred by the doctrine of laches.

WHEREFORE, Plaintiffs respectfully request that the First Counterclaim be dismissed and that Plaintiffs be awarded such other and further relief as the Court deems just.

Respectfully submitted,

FORRESTER ENVIRONMENTAL SERVICES,  
INC. and KEITH E. FORRESTER

By Their Attorneys  
GALLAGHER, CALLAHAN & GARTRELL, PC

Dated: July 29, 2011

By: /s/ Erik G. Moskowitz  
Michael R. Callahan (Bar No. 424)  
Erik G. Moskowitz (Bar No. 18961)  
214 N. Main Street  
Concord, NH 03302-1415  
603-228-1181  
callahan@gcglaw.com  
moskowitz@gcglaw.com

OF COUNSEL:

Sibley P. Reppert  
Michael J. Markoff  
Pearl Cohen Zedek Latzer LLP  
50 Congress Street, Suite 1010

Boston, MA 02109  
(617) 228-5725  
(617) 228-5721 fax  
[SibleyR@pczlaw.com](mailto:SibleyR@pczlaw.com)  
[mmarkoff@verizon.net](mailto:mmarkoff@verizon.net)

Clyde A. Shuman  
Pearl Cohen Zedek Latzer LLP  
1500 Broadway, 12<sup>th</sup> Floor  
New York, NY 10036  
(646) 878-0800  
Fax (646) 878-0801  
[ClydeS@pczlaw.com](mailto:ClydeS@pczlaw.com)

Attorney for Plaintiffs Forrester  
Environmental Services, Inc. and  
Keith E. Forrester

**CERTIFICATE OF SERVICE**

I, Erik G. Moskowitz, hereby certify that a copy of the foregoing Answer was sent this date via ECF to counsel of record.

Dated: July 29, 2011

By: /s/ Erik G. Moskowitz  
Erik G. Moskowitz